

Message Text

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FM AMEMBASSY MEXICO

TO SECSTATE WASHDC 7455

UNCLAS SECTION 01 OF 02 MEXICO 00433

E.O. 11652: N/A

TAGS: AFSP, CGEN, AINR, MX

SUBJECT: RE-ALIGNMENT CONSULAR DISTRICTS - MEXICO

1. THE EMBASSY'S EXPERIENCE OF THE PAST 18 MONTHS HAS SHOWN THAT THE TRANSFER ON JULY 1, 1976 OF THE MEXICAN STATE OF BAJA CALIFORNIA SUR FROM THE TIJUANA TO THE MAZATLAN CONSULAR DISTRICT HAS CREATED PROBLEMS WHICH CAN BEST BE RESOLVED BY RETURNING THE STATE TO THE JURISDICTION OF THE CONSULATE GENERAL AT TIJUANA.

2. IN THEIR REPORT OF SEPTEMBER 1977, THE FOREIGN SERVICE INSPECTORS RECOMMENDED THE RETURN OF BAJA SUR TO TIJUANA ON A TEMPORARY BASIS. THE EMBASSY, BELIEVING THAT A TEMPORARY ARRANGEMENT WOULD CAUSE CONFUSION FOR THE PUBLIC AS WELL AS JURISDICTIONAL AND LEGAL PROBLEMS FOR BOTH THE U.S. AND MEXICAN GOVERNMENTS, PROPOSES INSTEAD TO ANNOUNCE THE PERMANENT TRANSFER OF BAJA CALIFORNIA SUR TO THE TIJUANA DISTRICT WITH EFFECT FROM FEBRUARY 1, 1978. THIS ACTION WILL PRECLUDE MISUNDERSTANDINGS ABOUT CONSULAR COMMISSIONS AND THE LEGAL RIGHT OF OUR OFFICERS TO PERFORM CONSULAR ACTS WITHIN THE FRAMEWORK OF THE VIENNA CONVENTION.

3. BAJA CALIFORNIA PENINSULA, BEFORE AND AFTER ITS DIVISION INTO TWO STATES IN APRIL 1975, HAS HISTORICALLY BEEN A SINGLE GEOGRAPHIC ENTITY. LOGICALLY ENOUGH, THE

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REGION'S TRANSPORTATION LINES, TRADE PATTERNS, TOURISM STRUCTURE AND REGIONAL ORGANIZATIONAL ASSOCIATIONS ARE FORMED ON A NORTH/SOUTH AXIS WHICH MARKS TIJUANA AS THE BORDER HUB THROUGH WHICH MEXICAN CITIZENS AND PRODUCTS FLOW INTO THE UNITED STATES, WHILE SAN DIEGO IS THE U.S. BORDER CITY THROUGH WHICH AMERICAN CITIZENS AND PRODUCTS FLOW INTO THE BAJA CALIFORNIA AREA.

4. AN ECONOMIC LINKAGE BETWEEN BAJA NORTH AND SOUTH IS REFLECTED IN THE FREE TRADE ZONE WHICH EMBRACES BOTH STATES, WHILE AN INTERNATIONAL LINKAGE IS MIRRORED IN THE COMMISSION OF THE CALIFORNIAS, WHICH PROMOTES FRIENDSHIP AND COOPERATION BETWEEN CALIFORNIA, U.S.A. AND BAJA CALIFORNIA, U.M.S. THIS INTEGRATION OF PENINSULAR INTERESTS, DEVELOPMENT AND CONCERNS RECOMMENDS THE ADVISABILITY OF HAVING U.S. RELATIONS IN BOTH STATES CONDUCTED UNIFORMLY BY TIJUANA.

5. THE CONSULATE GENERAL AT TIJUANA ALREADY PROVIDES IMMIGRANT VISA SERVICES FOR THE FOREIGN RESIDENTS OF BOTH STATES. THAT THE RESIDENTS OF BAJA SUR WOULD ALSO PREFER TO OBTAIN THEIR VISITORS' VISAS FROM TIJUANA IS EVIDENT IN THE FACT THAT WHILE THE CONSULATE AT MAZATLAN ISSUED BUT 350 SUCH VISAS TO BAJA SUR RESIDENTS IN 18 MONTHS, THE CONSULATE GENERAL AT TIJUANA ISSUED 200 IN A SINGLE TWO-WEEK PERIOD.

6. THE STAFF AT MAZATLAN HAS BEEN RESPONSIVE IN PROVIDING GENERAL ASSISTANCE TO CITIZENS IN BAJA SUR, IN COORDINATING A SPATE OF ARREST AND DETENTION CASES, IN HANDLING WELFARE AND WHEREABOUTS PROBLEMS, AND IN PERFORMING CITIZENSHIP AND PASSPORT SERVICES. THESE SERVICES ARE VERY LIMITED IN NUMBER, HOWEVER, AND CAN BE PROVIDED AS UNCLASSIFIED

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CONVENIENTLY BY THE TIJUANA STAFF AS BY THE MAZATLAN STAFF.

7. OF THE VARIOUS DEMANDS FOR CONSULAR SERVICES, APART FROM VISAS, THE PRISONER PROBLEM IS CLEARLY THE MOST SENSITIVE. THERE ARE BUT SIX AMERICAN PRISONERS INCARCERATED AT LA PAZ, BAJA SUR, AT THIS TIME AND EACH MUST BE VISITED AT LEAST ONCE A MONTH AND WHENEVER NECESSARY IN AN EMERGENCY SITUATION. WHILE MAZATLAN IS PHYSICALLY CLOSER TO LA PAZ THAN TIJUANA, THE DAILY AIR SERVICE BETWEEN TIJUANA AND LA PAZ GUARANTEES A RESPONSE CAPABILITY ADEQUATE TO DEAL EFFECTIVELY WITH THIS OBLIGATION. MOREOVER, WITH TWELVE AMERICAN EMPLOYEES AT TIJUANA AND BUT THREE AT MAZATLAN, TIJUANA CLEARLY HAS MORE STAFF FLEXIBILITY TO PROVIDE SUSTAINED SUPPORT TO THE IMPRISONED AMERICANS.

8. THE EMBASSY HAS WEIGHED CAREFULLY THE POSSIBILITY THAT A GOM COURT REORGANIZATION PLAN COULD LEAD TO THE DESIGNATION OF MAZATLAN AS THE SITE OF A NEW REGIONAL TRIBUNAL COLEGIADO WHICH HANDLES WRITS AND A TRIBUNAL UNITARIO WHICH HANDLES APPEALS FOR THE STATES OF SINALOA, DURANGO

AND BAJA CALIFORNIA SUR. WHILE THIS MIGHT SUGGEST THE WISDOM OF LEAVING BAJA SUR IN THE MAZATLAN DISTRICT, IT MUST BE RECOGNIZED THAT SOME 90 PRISONERS ARE ALREADY HANDLED BY TIJUANA AND ANOTHER HALF DOZEN AT LA PAZ WILL NOT MARKEDLY COMPLICATE THE TASK. MOREOVER, THE CONTEMPORATED COURT REORGANIZATION WOULD ALSO SHIFT SOME LEGAL WORKLOAD FROM THE HERMOSILLO AND MONTERREY CONSULAR DISTRICTS TO MAZATLAN AS WELL. THEREFORE, IF WE MUST CONTEMPORATE A GOM COURT SYSTEM THAT CUTS ACROSS CONSULAR DISTRICT LINES, THE SHIFT OF BAJA SUR WILL NOT SIGNIFI-

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CANTLY ADD TO THE PROBLEM.

9. WITH THIS PROPOSED CHANGE IN DISTRICTS, 2 FAM,
APPENDIX A (PG 16) SHOULD BE REVISED AS FOLLOWS;

MAZATLAN (C)
ELIMINATE BAJA CALIFORNIA SUR
TIJUANA (CG)
STATES
ADD BAJA CALIFORNIA SUR

10. BELIEVING THAT THE ENTIRE BAJA CALIFORNIA PENINSULA SHOULD, AS IT WAS FROM 1940 TO MID-1976, ONCE AGAIN BE INCLUDED IN THE CONSULAR DISTRICT OF THE CONSULATE GENERAL AT TIJUANA, I WOULD LIKE, WITH THE DEPARTMENT'S CONCURRENCE, TO RECOMMEND ANNOUNCING THIS REDISTRICTING TO THE SECRETARIAT OF FOREIGN RELATIONS WITH EFFECT FROM FEBRUARY 1, 1978. LUCEY

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